IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND SIX

: PRESENT :

THE HON'BLE **SRI G.S.SINGHVI, THE CHIEF JUSTICE**

WRIT PETITION No. 21445 of 2002

Between:
K.Vara Prasad Rao, S/o. Bhadraiah.

.. Petitioner

AND

1. The Govt. of India, rep. by its Deputy Secretary, Ministry of Home Affairs, Freedom Fighters Division, Low Nayak Bhavan, Khan Market, New Delhi.
2. The Govt. of Andhra Pradesh, rep by its Special Chief Secretary, Revenue (FF-II) Department, A.P. Secretariat, Hyderabad.

..
Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Mandamus, declaring the action of the 1st respondent in withholding the pension despite the decision to grant pension under the Swatantra Sainik Samnan Pension Scheme as illegal, arbitrary, contrary to the Swatantra Sainik samman Pension Scheme and unconstitutional and consequently direct the 1st respondent to release the pension w.e.f. 15-9-1984 ie., the date of making the application.

The Petition coming on for admission upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Shri Bodduluri Srinivas Rao, Advocate for the Petitioner and of Shri A.Rajashekar Reddy, Assistant Solicitor General for the Respondent No.1 and of G.P. for Revenue for the Respondent No.2.

The Court made the following **ORDER:**

" Shri Bodduluri Srinivas Rao for the petitioner.

Shri A.Rajashekar Reddy, Assistant Solicitor General for Respondent No.1.

Government Pleader for Revenue.

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to grant him pension under Swatantrata Sainik Samman Pension Scheme, 1980.

In Paragraph 33(a) of the counter-affidavit filed by Shri S.D.Kaushik, Under Secretary, Ministry of Home Affairs, it has been averred that pension has already been sanctioned to the petitioner vide sanction order dated. 01-07-2003, but in paragraph 33(b), it has been

stated that the petitioner's case will be subjected to review in pursuance of the decision taken by the Government of India to re-verify all the cases recommended by Ch.Rajeshwar Rao Committee.

Since the pension was sanctioned to the petitioner on 01-07-2003 and a period of more than three years and one month has elapsed since then, the concerned authority of the Government of India ought to have taken appropriate decision in this long interregnum. The casual manner in which the officers of the Government of India have dealt with the case of freedom fighter leaves much to be desired.

Without commenting further on the omission of the Government of India to finalise the petitioner's case, I deem if proper to adjourn the hearing of the case to 26-09-2006 with the direction that appropriate decision in the petitioner's case must be taken positively by the concerned authority on or before 22-09-2006 and the decision be placed before the Court on the next date of hearing.

While adjourning the case to 26-09-2006, I deem it proper to make it clear that any lapse on the part of the concerned authority of the Government of India to take appropriate decision in the matter will be viewed seriously by the Court."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Deputy Secretary, Ministry of Home Affairs, Govt. of India, Freedom Fighters Division, Low Nayak Bhavan, Khan Market, New Delhi.
2. The Special Chief Secretary, Revenue (FF-II) Department, Govt. of Andhra Pradesh, A.P. Secretariat, Hyderabad.
3. Two CCs to G.P. for Revenue, High Court of A.P.Hyd(OUT)
4. Sri A.Rajasekhar Reddy, Assistant Solicitor General, High Court of A.P., Hyderabad.
5. One CC to Sri Bodduluri Srinivas Rao, Advocate(OPUC)
6. One spare copy.

SAH

HIGH COURT

HCJ

DATED: 22-08-2006

NOTE: ADJOURN THE CASE TO 26-09-2006

ORDER

WP.NO. 21445 F 2002

DIRECTION

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 24-08-2006

HIGH COURT

HCJ

DATED: 22-08-2006

NOTE: ADJOURN THE CASE TO 26-09-2006

ORDER

WP.NO. 21445 F 2002

DIRECTION